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Date of Deposit: February 28, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: D. Schmitz et al.

Appln. No.: 09/896,061

Filed: June 29, 2001

For: Automated Execution System
Having Participation

Attorney Docket No: 11927/90

Examiner: F. Poinvil

Art Unit: 3692

INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicants hereby cite the following reference(s):

U.S. PATENTS

<u>Patent No.</u>	<u>Date</u>	<u>Inventor</u>
3,573,747	04/06/71	Adams et al.
3,581,072	05/25/71	Nymeyer
4,412,287	10/25/83	Braddock, III
4,674,044	06/16/87	Kalmus et al.
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4,980,826	12/25/90	Wagner
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5,315,634	05/24/94	Tanaka et al.
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5,715,402	02/03/98	Popolo
5,744,877	04/28/98	Owens
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<u>Patent No.</u>	<u>Date</u>	<u>Inventor</u>
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<u>Document No.</u>	<u>Date</u>	<u>Country</u>
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WO 01/22263	03/29/01	PCT
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A. Frino et al., Price And Time-Priority Versus Pro-Rata Algorithms In Electronically Traded Futures Markets: Simulation Based Performance Characteristics, October 3, 1998, <http://www.sirca.org.au/research/database.html> (Document 1998009.pdf)

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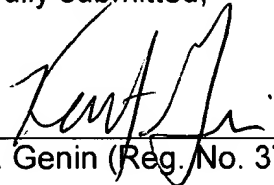
Applicant is enclosing Form PTO-1449 (four sheets), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). As each of the listed references is in English, no further commentary is believed to be necessary, 37 C.F.R §1.98(a)(3). Applicant respectfully requests the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicants have calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

2/28/2007
Date



Kent E. Genin (Reg. No. 37,834)



FORM PTO-1449	SERIAL NO. 09/896,061	CASE NO. 11927/90
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE June 29, 2001	GROUP ART UNIT 3692
(use several sheets if necessary)		APPLICANT(S): D. Schmitz et al.

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	3,573,747	04/06/71	Adams et al.		
	A2	3,581,072	05/25/71	Nymeyer		
	A3	4,412,287	10/25/83	Braddock, III		
	A4	4,674,044	06/16/87	Kalmus et al.		
	A5	4,903,201	02/20/90	Wagner		
	A6	4,980,826	12/25/90	Wagner		
	A7	5,038,284	08/06/91	Kramer		
	A8	5,101,353	03/31/92	Lupien et al.		
	A9	5,136,501	08/04/92	Silverman et al.		
	A10	5,297,031	03/22/94	Guterman et al.		
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	A12	5,305,200	04/19/94	Hartheimer et al.		
	A13	5,315,634	05/24/94	Tanaka et al.		
	A14	5,664,115	09/02/97	Fraser		
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	A17	5,744,877	04/28/98	Owens		
	A18	5,774,877	06/30/98	Patterson, Jr. et al.		
	A19	5,787,402	07/28/98	Potter et al.		
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	A21	5,797,002	08/18/98	Patterson, Jr. et al.		
	A22	5,809,483	09/15/98	Broka et al.		
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	A25	5,845,266	12/01/98	Lupien et al.		
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	A29	5,915,209	06/22/99	Lawrence		
	A30	5,915,245	06/22/99	Patterson, Jr. et al.		
	A31	5,924,082	07/13/99	Silverman et al.		
	A32	5,950,176	09/07/99	Keiser et al.		
	A33	5,950,177	09/07/99	Lupien et al.		
	A34	5,963,923	10/05/99	Garber		
	A35	5,970,479	10/19/99	Spepherd		
	A36	5,978,779	11/02/99	Stein et al.		

EXAMINER	DATE CONSIDERED
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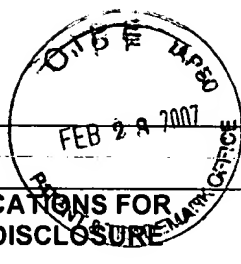
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	A39	6,014,643	01/11/00	Minton		
	A40	6,016,483	01/18/00	Rickard et al.		
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	A44	6,119,103	09/12/00	Basch et al.		
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	A55	6,317,727 B1	11/13/01	May		
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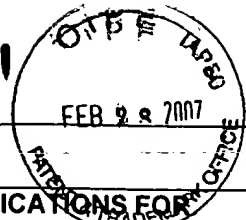
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EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.	
	A87	E. Clemons et al., "Information Technology and Screen-Based Securities Trading: Pricing the Stock and Pricing the Trade", <i>Management Science</i> , Volume 43, Number 12, December 1997
	A88	"The Pandora's Box over autoquotes; Industry Trend or Event", <i>Wall Street & Technology</i> , Section No. 3, Vol. 13, Pg. 38; ISSN: 1060-989X, March 1997
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	A103	Self-Regulatory Organizations; Filing and Order Gracting Accelerated Approval of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to System Modifications to the Retail Automated Execution System, SEC Release No. 34-32879, 58 F.R. 49342, September 22, 1993
	A104	CBOE Regulatory Circular RG 91-71, December 25, 1991
	A105	Notice Of Receipt Of Plan Filed Pursuant To Section 11A(a)(3)(B) Of The Securities Exchange Act Of 1934, 1980 WL 29398, SEC Release No. 16519, January 22, 1980
	A106	New York Stock Exchange Constitution And Rules (Commerce Clearing House, Inc. New York Stock Exchange Guide) July 15, 1965, pp. 2644-45; 2682-83
	A107	R. Teweles et al., The Stock Market, Fifth Edition, John Wiley & Sons, 1987, pp. 176-181
	A108	J. Meeker, The Work Of The Stock Exchange, The Ronald Press Company 1923, pp. 108-109
	A109	CBOE Information Circular IC91-15, February 25, 1991
	A110	Domowitz, Ian, "A taxonomy of automated trade execution systems", 12 Journal of Int'l Money and Finance, pp. 607-631, dated 1993

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